

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STATE OF OHIO,	:	CASE NO. 4:23-cv-00517-JRA
	:	
UNITED STATES OF AMERICA,	:	JUDGE JOHN R. ADAMS
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
NORFOLK SOUTHERN CORPORATION, et al.,	:	
	:	
Defendants.	:	

STATE OF OHIO'S STATUS REPORT

On April 15, 2024, the Court issued an Order directing the parties to file Status Reports every thirty days, addressing: (1) discovery that has occurred during the reporting period; (2) settlement discussions that have occurred during the reporting period; (3) motions that have been filed or remained pending during the reporting period; and (4) any developments that might give rise to a request to deviate from the schedule outlined in the case management plan.

Since the filing of the last status report on March 14, 2025, the State's responses are respectfully submitted below.

1. Discovery

Ohio and Norfolk Southern have completed fact discovery. Both parties participated in multiple meet and confers and completed document production. Ohio provided its expert reports to Norfolk Southern on February 28, 2025. Norfolk Southern provided its expert reports to Ohio on April 11, 2025.

Ohio and Norfolk Southern are working to schedule 15 expert depositions during the May1-July 31 expert deposition period.

2. Settlement Discussions

Ohio and Norfolk Southern continue to have discussions regarding resolution of this case. Additionally, Ohio and Norfolk Southern have engaged a mediator and scheduled a mediation session before the end of April.

3. Motions Filed or Pending

On March 17, 2025, Ohio and Norfolk Southern filed a Joint Stipulation and Proposed Order to extend the expert deposition and dispositive motion deadlines in light of the parties' planned mediation. The Court approved the same on March 21, 2025.

4. Potential Deviations from Case Management Schedule

Ohio is not aware of any developments that might give rise to additional requests to deviate from the Case Management Schedule.

Respectfully submitted,

DAVE YOST
OHIO ATTORNEY GENERAL

s/ Amber Wootton Hertlein

AMBER WOOTTON HERTLEIN (0083858)
KATHERINE A. WALKER (0093850)
NORA M. BATY (0102678)
CATHERINE A. ENGLISH (0096910)
Assistant Attorneys General
Environmental Enforcement Section
30 East Broad Street, 25th Floor
Columbus, Ohio 43215
Telephone: (614) 466-2766

Fax: (614) 644-1926
Amber.Hertlein@OhioAGO.gov
Katherine.Walker@OhioAGO.gov
Nora.Baty@OhioAGO.gov
Catherine.English@OhioAGO.gov

WILLIAM C. BECKER (0013476)
Assistant Attorney General
Court of Claims Defense Section
30 East Broad Street, 16th Floor
Columbus, OH 43215
Telephone: (614) 466-7447
Fax: (614) 644-7447
William.Becker@OhioAGO.gov

Counsel for Plaintiff State of Ohio

Certificate of Service

This certifies that on April 14, 2025, I served State of Ohio's Status Report by filing through the Court's CM/ECF system, which electronically notified all parties of record.

s/ Amber Wootton Hertlein

AMBER WOOTTON HERTLEIN (0083858)

Counsel for Plaintiff State of Ohio